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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,592	04/07/2000	Richard Henry Mandel III	ST9-99-179	9939
23373	7590	10/22/2003	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037			PHAM, HUNG Q	
		ART UNIT		PAPER NUMBER
		2172		
DATE MAILED: 10/22/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/545,592	MANDEL, RICHARD HENRY	
	Examiner	Art Unit	
	HUNG Q PHAM	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 July 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5,8-16,19-27 and 30-33 is/are rejected.

7) Claim(s) 6-7, 17-18 and 28-29 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

1. Applicants filed an Appeal Brief on 07/28/2003. Applicants' argument has been carefully considered by an appeal conference. The panel agreed with the applicants that the combination method and system of Goldberg/Chan does not teach all the limitations of the claims 1, 12 and 23. Thus, the finality of the office action 01/27/2003 is withdrawn. The office regrets for any inconvenience may cause due to the action.

Response to Arguments

2. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 6, 12, 17, 23 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As in claims 1, the

step of *modifying the query to replace one or more selected clauses with a false clause* was not described in the specification (as disclosed in specification, pages 11 and 12-13, two false clauses were generated for a SQL statements has two WHERE clauses).

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 1, 12 and 23 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility.**

As claimed in claims 1, 12 and 23, a query is modified by replacing a selected clause with a false clause, the modified query is executed to have a result set and metadata is retrieved from the result set. However, if a query having a selected clause replaced by a false clause, for example, with a simple SQL query:

```
SELECT  
FROM  
WHERE
```

wherein WHERE is selected to be replaced and executed. A user either receives a result set having no data, or an error message from the SQL compiler. Metadata is data about data. For example, the title, subject, author, and size of a file constitute metadata about the file. Thus, if there is no data being returned, there will be no

metadata of the data being retrieved, and the step of retrieving metadata from the result set is inoperative.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-5, 8-16, 19-27 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art [Description of Related Art, pages 1-2].**

Regarding to claims 1, 12 and 23, Applicant Admitted Prior Art teaches some databases have DESCRIBE command to list column names and data types of a query result. If the system does not have the DESCRIBE command, a developer can alter the DML statement to return no data but allow full access to the metadata to obtain the type of a result set (Description of Related Art, pages 1-2). As seen, *a query could be modified for retrieving the type as metadata from a result set*. Applicant Admitted Prior Art does not explicitly teach the steps of *modifying the query to replace one or more selected clauses with a false clause; executing the modified query with the false clause*. However, Applicant Admitted Prior Art further discloses SQLJ enables developers to user Java data types

as data types in SQL, and SQLJ iterator describes columns for a result set using Java types (Description of Related Art, pages 1-2). As seen, SQL types could be converted to Java types, and the Java types could be obtained by using SQLJ iterator. An ordinary skill in the art would know SQLJ allows SQL statements to be embedded in a Java program, and a false clause when added to a set of SQL statements will return no data. Thus, to obtain data types of an SQL table in a platform does not have DESCRIBE command, SQLJ is used to embed an SQL query, converting SQL data types to SQLJ data types to allow full access to these metadata, and obviously, a false clause is added to replace a selected clause of the SQL query to return no data. In other words, the technique of Applicant Admitted Prior Art as discussed indicates the steps of *modifying the query to replace one or more selected clauses with a false clause; executing the modified query with the false clause; and retrieving metadata from the result set obtained by executing the modified query*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Applicant Admitted Prior Art by using a false clause to replace one or more selected clauses in order to return no data from an embedded SQL query in a SQLJ program.

Regarding to claims 2, 13 and 24, Applicant Admitted Prior Art teaches all the claimed subject matters as discussed in claims 1, 12 and 23, but does not explicitly teach *the query comprises a SELECT statement*. However, a SQL query is in the form SELECT, FROM, WHERE. Therefore, it would have been obvious for one of ordinary

skill in the art at the time the invention was made to modify the Applicant Admitted Prior Art by including a SELECT statement in order to execute a SQL query.

Regarding to claims 3, 14 and 25, Applicant Admitted Prior Art teaches all the claimed subject matters as discussed in claims 2, 13 and 24, but does not explicitly teach *the SELECT statement is not a SELECT INTO statement*. However, a SELECT is for SQL query, and a SELECT INTO is for SQLJ. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Applicant Admitted Prior Art by using a SELECT statement in order to distinguish a SQL query and SQLJ query.

Regarding to claims 4, 15 and 26, Applicant Admitted Prior Art teaches all the claimed subject matters as discussed in claims 1, 12 and 23, but does not explicitly teach *the selected clauses comprises WHERE clauses*. However, However, a SQL query is in the form SELECT, FROM, WHERE. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Applicant Admitted Prior Art by using WHERE clause as selected clause to be replaced by false clause in order to return no data.

Regarding to claims 5, 16 and 27, Applicant Admitted Prior Art teaches all the claimed subject matters as discussed in claims 1, 12 and 23, but does not explicitly teach *the selected clauses comprise GROUP BY clauses*. However, However, a SQL query

is either in the form SELECT, FROM, WHERE or SELECT, FROM, GROUP BY. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Applicant Admitted Prior Art by using GROUP BY clause as selected clause to be replaced by false clause in order to return no data.

Regarding to claims 8, 19 and 30, Applicant Admitted Prior Art teaches all the claimed subject matters as discussed in claims 1, 12 and 23, Applicant Admitted Prior Art further discloses *the metadata comprises column type data for the result set* (Description of Related Art, pages 1-2).

Regarding to claims 9, 20 and 31, Applicant Admitted Prior Art teaches all the claimed subject matters as discussed in claims 8, 19 and 30, and further discloses the step of *converting the column type data to JAVA types* (Description of Related Art, pages 1-2).

Regarding to claims 10, 21 and 32, Applicant Admitted Prior Art teaches all the claimed subject matters as discussed in claims 9, 20 and 31, and further discloses the step of *generating a SQLJ iterator with parameters having the JAVA types* (Description of Related Art, pages 1-2).

Regarding to claims 11, 22 and 33, Applicant Admitted Prior Art teaches all the claimed subject matters as discussed in claims 1, 12 and 23, but fails to disclose the

step of *determining the query requires a SQLJ iterator*. However, if the system does not have the DESCRIBE command, a developer can alter the DML statement to return no data but allow full access to the metadata to obtain the type of a result set SQLJ enables developers to user Java data types as data types in SQL, and SQLJ iterator describes columns for a result set using Java types (Description of Related Art, pages 1-2). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Applicant Admitted Prior Art by including the step of determining the requirement of SQLJ iterator in order to use the method in different platforms.

Allowable Subject Matter

9. Claims 6-7, 17-18 and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding to claims 6-7, 17-18 and 28-29, Applicant Admitted Prior Art does not suggest or teach the steps of *generating a list of modified queries; and executing each modified query until one executes successfully*.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 703-605-4242. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM Y VU can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Examiner Hung Pham
October 20, 2003


SHAHID ALAM
PRIMARY EXAMINER